

REMARKS

Claims 132-155 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 132-140 and 150-155, drawn to a method for processing digital data, classified in class 713, subclass 189; and

Group II, claims 141-149, drawn to drawn to a controller controlling operations by a descrambler, classified in class 718, subclass 100.

As a first order of business, as noted in MPEP 808.01(a), a requirement for restriction is permissible if there is a patentable difference between the species as claimed and there would be a serious burden on the examiner if restriction is not required. See MPEP § 803 and § 808.02. Here, Applicant submits that examination of all claims would not place a serious burden on the examiner. Thus, Applicant requests that the restriction requirement be withdrawn.

Second, Applicant does not agree with the grouping of claims proposed in the Restriction Requirement. Specifically, Applicant believes it is more logical and efficient for Group I to be drawn to method claims 132-140, and for Group II to be drawn to apparatus claims 141-149 and data storage medium claims 150-155.

If the Examiner agrees to Applicant's proposed grouping, Applicant elects, with traverse, Applicant's proposed Group II, drawn to claims 141-149 and 150-155. If the Examiner does not agree with Applicant's proposed grouping, Applicant elects, with traverse, the Examiner's identified Group I, drawn to claims 132-140 and 150-155.

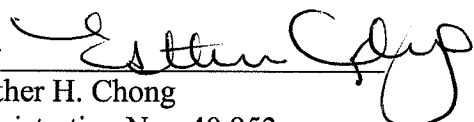
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong, Registration No 40,953 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☐ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 2, 2009

Respectfully submitted,

By   
Esther H. Chong  
Registration No.: 40,953  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant